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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/754,905

01/04/2001

Uwe Sydon

2454.1120

3947

21171 7590 12/13/2010

STAAS & HALSEY LLP

SUITE 700

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EXAMINER

NGUYEN, STEVEN H D

ART UNIT

PAPER NUMBER

2473

MAIL DATE

DELIVERY MODE

12/13/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte UWE SYDON, OLAF DICKER, and
JUERGEN KOCKMANN

Appeal 2009-005404
Application 09/754,905
Technology Center 2400

Before DALE M. SHAW, *Division 2 Support Administrator*.

ORDER TO PROCESS REQUEST FOR CONTINUED EXAMINATION

On September 7, 2010, a merits panel of the Board of Patent Appeals and Interferences affirmed the rejection of the Examiner on claims 1-3 and 6-34 on appeal. On November 8, 2010, Appellants filed a Request for Reconsideration of the Decision on Appeal (rehearing request). On December 3, 2010, Appellants filed a Request for Continued Examination under 37 C.F.R. § 1.114 (RCE). A decision on the November 8, 2010, rehearing request has not been rendered.

The filing of an RCE takes precedence over rendering a decision on

the rehearing request. The MPEP in Section 706.07(h), subsection XI, states that:

The filing of an RCE (accompanied by the fee and a submission) after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit (Federal Circuit) or the commencement of a civil action in federal district court, will also result in the finality of the rejection or action being withdrawn and the submission being considered.

The filing of the RCE renders the pending rehearing request moot.

Accordingly, it is ordered that 1) no decision on the rehearing request will be rendered and 2) the application be returned to the Examiner for processing of the RCE, and for further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

babc

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